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Attorneys for Plaintiff,
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation,

Plaintiff,

vs.

BIG TOWN MECHANICAL, LLC, a Nevada
limited liability company; TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA, a Connecticut corporation; DOES I
through X; and ROE CORPORATIONS I-X;
inclusive,

Defendants.

CASE NO.: 2:13-cv-00380-JAD-GWF

**STIPULATION TO ALLOW THE
DEPOSITION OF DAVID WATKINS
TO OCCUR AFTER THE
SEPTEMBER 7, 2017 DISCOVERY
CUT-OFF**

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation,

Counterclaimant,

vs.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation, and
MOES I-X, inclusive,

Counter-Defendants.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation,

Third-Party Plaintiff,

vs.

CONTROLCO, a California corporation; DOES
I through X; and ROE CORPORATION I-X,
inclusive,

Third-Party Defendant.

Plaintiff Fidelity & Deposit Company of Maryland (“F&D”), Defendant Travelers Casualty and Surety Company of America (“Travelers”), and Third-Party Defendant Controlco (“Controlco”) (collectively, “Parties”), by and through their respective counsel, stipulate and agree to allow the deposition of David Watkins to take place on September 22, 2017, which is after the September 7, 2017 discovery deadline.

Background

1. Pursuant to this Court’s most recent scheduling order [ECF No. 192]¹, the discovery deadline is September 7, 2017.

2. The Parties have worked diligently to complete all depositions by September 7, 2017, including taking multiple depositions on the same day and on weekends.

¹ The Court did modify some of the deadlines in [ECF No. 192] in a July 5, 2017 Minute Order [ECF No. 248]. However, none the modified deadlines set forth in [ECF No. 248] are affected by this stipulation.

3. The final deposition in this matter will be the deposition of David Watkins, which was initially set for September 7, 2017 in St. Louis, Missouri.² Mr. Watkins was the project manager for Perini Management Services, Inc. ("Perini") which was F&D's completion contractor on the five FAST Projects that are the subject of this litigation and is thus a key percipient witness.

4. Due to family medical issues, F&D's Counsel and Travelers' Counsel are unable to travel to St. Louis for Mr. Watkin's deposition on September 7, 2017. Further due to Mr. Watkin's schedule, the next available date for him to be deposed that is convenient for all Parties is September 22, 2017. The deposition on September 22, 2017 would take place in Las Vegas instead of St. Louis.

5. In light of the above, good cause exists to allow the deposition of Mr. Watkin's to go forward on September 22, 2017 in Las Vegas, even though the deposition would take place after the September 7, 2017 discovery deadline.

6. Granting this stipulation will not delay the resolution of this litigation as the Parties are not requesting an extension of any court ordered deadlines.

DATED this 6th day of September, 2017.

DATED this 6th day of September, 2017.

KOLESAR & LEATHAM

CARNEY BADLEY SPELLMAN

By /s/ Colby L. Balkenbush, Esq.
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Attorneys for Fidelity & Deposit
Company of Maryland

By /s/ Christopher A. Wright, Esq.
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Seattle, WA 98104

Attorneys for Travelers Casualty and Surety
Company of America

² This stipulation is without prejudice to F&D's Motion to Re-Open Limited Discovery [ECF No. 276].

1 DATED this 6th day of September, 2017.

2 **LIPSON, NEILSON, COLE, SELTZER**
3 **& GARIN, P.C.**

4
5 By /s/ David A. Markman, Esq.
6 J. WILLIAM EBERT, ESQ.
7 DAVID A. MARKMAN, ESQ.
8 9900 Covington Cross Drive, Suite 120
9 Las Vegas, NV 89144

10 Attorneys for Controlco

11 **ORDER**

12 Pursuant to the above Stipulation of the Parties, the Court hereby ORDERS that David
13 Watkins may be deposed on September 22, 2017 in Las Vegas, Nevada even though the
14 deposition will take place after the September 7, 2017 discovery deadline.

15 IT IS SO ORDERED this 7th day of September, 2017.

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18 UNITED STATES MAGISTRATE JUDGE
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